

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
LUBBOCK DIVISION**

LAUREN E. SETH,

Plaintiff,

vs.

DOLLAR TREE INC,

Defendant.

§
§
§
§
§
§
§
§
§
§
§

CIVIL ACTION NO. 5:21-CV-00152-H

AGREED MOTION TO STAY AND COMPEL ARBITRATION

Plaintiff Lauren E. Seth and Defendant Dollar Tree Inc file this Agreed Motion to Stay and Compel Arbitration. Plaintiff and Defendant have agreed to stay the proceedings and submit this matter to arbitration and respectfully show the Court as follows:

Plaintiff and Defendant are parties to an enforceable arbitration agreement that covers the claims brought by Plaintiff in this lawsuit. Attached hereto as Exhibit A. Plaintiff and Defendant agree to move this matter into arbitration under the terms of such arbitration agreement and pursuant to the JAMS employment arbitration rules and procedures. Additionally, the Federal Arbitration Act (“FAA”) provides that “a written provision in any . . . contract . . . involving commerce to settle by arbitration a controversy thereafter arising . . . shall be valid, irrevocable, and enforceable, save upon such grounds as exist at law or in equity for the revocation of any contract.” 9 U.S.C. § 2 (emphasis added). The FAA applies when it is established that: (1) there is an agreement in writing to arbitrate, (2) the claims asserted are subject to the arbitration clause,

and (3) arbitration involves a transaction involving commerce. 9 U.S.C. § 2. All three conditions are satisfied in this case.

After determining that an arbitration agreement is enforceable, a court should dismiss or stay the pending proceedings and order the parties to arbitrate their claims. The FAA provides for a stay of proceedings in district courts when an issue in the proceedings is referable to arbitration. 9 U.S.C. § 3

WHEREFORE, the parties respectfully request an order compelling the arbitration of this matter and staying this lawsuit pending arbitration.

Dated: August 23, 2021.

Respectfully submitted,

/s/David M. Curtis

David M. Curtis
Texas State Bar No. 05270930

DAVID M. CURTIS & ASSOCIATES, P.C.
381 Casa Linda Plaza
Suite 103
Dallas, TX 75218
833.444.4714
800.532.2501 (facsimile)
david@laborassociates.com

ATTORNEY FOR PLAINTIFF
LAUREN E. SETH

/s/ Jeremy W. Hawpe

Jeremy W. Hawpe
Texas State Bar No. 24046041

LITTLER MENDELSON, P.C.
2001 Ross Avenue
Suite 1500, Lock Box 116
Dallas, TX 75201-2931
214.880.8100
214.880.0181 (Facsimile)
jhawpe@littler.com

ATTORNEY FOR DEFENDANT
DOLLAR TREE INC

CERTIFICATE OF SERVICE

I hereby certify that on the 23rd day of August, 2021, the foregoing document was served on counsel of record via ECF as follows:

David M. Curtis
David M. Curtis & Associates, P.C.
381 Casa Linda Plaza, Suite 103
Dallas, TX 75218
david@laborassociates.com

/s/ Jeremy W. Hawpe
Jeremy W. Hawpe

4827-3115-9286.3 / 061603-1265